

# Notice of Allowability

Application No.

10/628,374

Examiner

Timothy J. Kugel

Applicant(s)

OHMORI ET AL.

Art Unit

1712

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment after non-final rejection filed 12 January 2006.
2. ☒ The allowed claim(s) is/are 31 and 33-52.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 09/700,307.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 31 and 33-52 are pending as amended on 12 January 2006.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Specification***

3. Applicant's amendment, filed 12 January 2006, with respect to the correction of minor informalities has been fully considered and are corrective.

The objection to the disclosure has been withdrawn.

#### ***Double Patenting***

4. Applicant's terminal disclaimer, filed 12 January 2006, has been fully considered and is proper.

The rejection of claims 31-49 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of US Patent 6,627,336 (Ohmori '336 hereinafter) has been withdrawn.

The rejection of claims 31, 32, 47 and 50 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 7 and 16 of US Patent 6,479,141 (Sanbayashi hereinafter) in view of applicant's admission has been withdrawn.

5. Applicant's amendment, filed 12 January 2006, with respect to the concentration of the chloride and Brønsted base of independent claim 31 being in the range of about 50 ppm to about 10,000 ppm as the total anion content in the aqueous titanium oxide

dispersion has been fully considered and overcomes the claims of the cited related applications.

The rejection of claims 31, 44, 47 and 50 under the judicially created doctrine of obviousness-type double patenting over claims 6, 7, 9 and 11-15 of US Patent 6,337,307 (Ohmori '301 hereinafter) in view of applicant's admission has been withdrawn.

***Claim Rejections - 35 USC § 102***

6. Applicant's amendment, filed 12 January 2006, with respect to the importation of the limitation of canceled claim 32 into independent claims 31 and 43—that the concentration of the chloride and Brønsted base being in the range of about 50 ppm to about 10,000 ppm as the total anion content in the aqueous titanium oxide dispersion—has been fully considered and overcomes the prior art.

The rejection of claims 31, 33, 35, 36, 43, 44, 46, 47, 49, 50 and 52 under 35 USC 102(b) as being anticipated by International Patent Application Publication WO 97/10185 which was published in English as US 6,037,289 (Chopin hereinafter) has been withdrawn.

The rejection of claims 31, 33, 34, 44 and 47 under 35 USC 102(b) as being anticipated by European Patent EP 0581216 (Okada hereinafter) has been withdrawn.

The rejection of claims 31 and 35 under 35 USC 102(b) as being anticipated by US Patent 5,589,347 (Arai hereinafter) has been withdrawn.

7. Applicant's arguments, filed 12 January 2006, particularly that Arai fails to teach the presence of chloride ions in the titanium oxide film, have been fully considered and

are persuasive. The rejection of claims 37, 38 and 41 under 35 USC 102(b) as being anticipated by Arai has been withdrawn.

***Allowable Subject Matter***

8. Claims 31 and 33-52 are allowed.

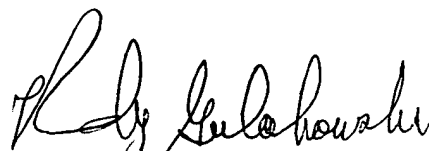
***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Kugel whose telephone number is (571) 272-1460. The examiner can normally be reached 6:00 AM – 4:30 PM Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJK  
Art Unit 1712

  
RANDY GULAKOWSKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700